

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

LARRY RAY SIMPSON JR.,

Plaintiff,

v.

Case No.: \_\_\_\_\_

LLAB TRUCKING INC.

Serve via State Corporation Commission

Pursuant to Va. Code § 13.1-758F

Serve Registered Agent: Venecia Sade Outlaw

430 Averasboro Drive

Clayton, North Carolina 27520

And

ROBERT DIJON MORRISEY,

107 B Lee Street

Princeton, North Carolina 27569

SERVE: Richard D. Holcomb

Commissioner of the Department of Motor Vehicles

c/o Customer Records Work Center

2300 West Broad Street

Richmond, VA 23269

Defendants.

**COMPLAINT**

COMES NOW the plaintiff, Larry Ray Simpson Jr., hereinafter Simpson, and brings this his civil action seeking money judgment against the defendants jointly and severally for the reasons stated herein in the amounts as recited herein, and in support of this Complaint, Simpson states as follows:

**PARTIES**

1. Plaintiff Larry Ray Simpson Jr. has at all times relevant hereto been a resident of Fauquier County within the Commonwealth of Virginia.

2. Defendant LLAB Trucking Inc., hereinafter LLAB, at all times relevant hereto was a limited liability corporation with its principle place of business at 920 Bryan Place, Apartment A2, Garner, North Carolina 27529.

3. Defendant Robert Dijon Morrisey, hereinafter Morrisey, upon information and belief currently resides at 107 B Lee Street, Princeton, North Carolina 27569.

4. At the time of this accident Defendant Morrisey's address was 3721 Dianne Drive, NW, Wilson, North Carolina 27896.

#### **JURISDICTION AND VENUE**

5. This Court has diversity jurisdiction under 28 U.S.C. § 1332 because the parties are diverse and the amount in controversy, exclusive of interest and costs exceed seventy five thousand dollars (\$75,000.00).

6. This Court has personal jurisdiction over the defendants pursuant to Virginia Code § 8.01-328.1(A)(1) and (3) because the defendants transacted business in the Commonwealth of Virginia and caused tortious injury by an act or omission in this Commonwealth.

7. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) because substantial part of the acts or omissions given rise to the claim occurred in Prince William County, Virginia which is within the Eastern District of Virginia and the defendant is subject to this Court's personal jurisdiction.

#### **FACTUAL ALLEGATIONS**

8. On or about May 20, 2020, Plaintiff Simpson, was stopped in a line of vehicles at the intersection of Prince William Parkway and Jefferson Davis Highway which was controlled by a traffic signal within Prince William County, Virginia.

9. At said time and place, Defendant Morrisey was operating a tractor with a flatbed trailer as agent, employee, or representative of LLAB, and was traveling east on Prince William Parkway and to the rear of the line of vehicles which included Plaintiff Simpson at the aforementioned intersection.

10. At all times relevant to allegations in this Complaint, Defendant Morrisey was an agent and/or employee of Defendant LLAB.

11. As such, Defendant Morrisey drove and/or operated the vehicle owned and/or leased by Defendant LLAB with its authority and consent within the course and scope of his agency and/or employment relationship with Defendant LLAB.

12. As a consequence, Defendant LLAB is vicariously liable for each and every negligent act or omission of Defendant Morrisey as described herein.

13. It was the duty of Defendant Morrisey, on behalf of LLAB, to operate the tractor and flatbed trailer with reasonable care and due regard to the rights and safety of others using the roadway including Plaintiff Simpson.

14. Notwithstanding these duties, Defendant Morrisey, on behalf of LLAB, negligently and carelessly operated his vehicle, traveling at an unreasonable rate of speed, operating a tractor and flatbed trailer with defects at said time and place.

15. At said time and place, because of the speed and lack of maintenance to the vehicle, Defendant Morrisey, on behalf of LLAB, approached the stopped vehicles and started zig zagging in an attempt to slow his vehicle. This maneuver caused the cargo on the flatbed trailer to begin spilling.

16. As Defendant Morrisey, on behalf of LLAB, approached the group of stopped vehicles, Defendant Morrisey crashed into Plaintiff Simpson's vehicle with great force and violence.

17. Defendant Morrisey, on behalf of LLAB, was negligent in that he failed to keep his vehicle under proper control, failed to use ordinary care in the operation of said vehicle, failed to properly ensure that the vehicle was properly maintained and inspected and safe for the roadway, operated the vehicle knowing there were operating defects which would affect his ability to operate said vehicle, failed to properly maintain his lane of travel, and otherwise comply with the applicable rules of the road and federal regulations then and there in force and in effect.

18. As a direct and proximate result of Morrisey and LLAB's negligence as described herein, Plaintiff Simpson sustained serious and permanent injuries and disfigurement, has incurred medical expenses and costs, has incurred loss of wages, has suffered loss of wage earning capacity because of these injuries, may incur medical expenses and costs in the future, and has suffered and will continue to suffer great pain of body and mind, and has had the quality of his life diminished, and has suffered inconvenience.

WHEREFORE, the plaintiff demands judgment against the defendants jointly and severally in the amount of One Million Dollars (\$1,000,000.00) with pre-judgment and post judgment interest. The pre-judgment interest is to run from May 20, 2020, and that this Court grants. The plaintiff further seeks reasonable costs and expenses as permitted by law and any such other and further relief as this Court may deem necessary or appropriate.

**JURY DEMAND**

Trial by Jury is demanded.



LARRY RAY SIMPSON JR.,  
By Counsel

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